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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,743	04/15/2004	David Edwin Thurston	065435-9035	7033
23510 7590 07/02/2007 MICHAEL BEST & FRIEDRICH, LLP ONE SOUTH PINCKNEY STREET P O BOX 1806 MADISON, WI 53701			EXAMINER EPPERSON, JON D	
			ART UNIT 1639	PAPER NUMBER
			MAIL DATE 07/02/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
10824743	4/15/04	THURSTON ET AL.	065435-9035

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MADISON, WI 53701

**EXAMINER**

Jon D. Epperson

**ART UNIT****PAPER**

1639

20070616

DATE MAILED:

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**Commissioner for Patents**

**Non-Responsive Election (Bonafide)**

The reply dated April 17, 2007 is not fully responsive to the prior Office action because of the following omission(s) or matter(s):

Applicants changed the hydrogen at position 11a on the ring to a methyl group and, as a result, none of the current claims read on the elected invention. Canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because they do not contain the requisite hydrogen atom at position 11a (compare to the 4/15/04 preliminary amendment showing "H" at that position). In addition, Applicant failed to mark the changes to formula (I) (i.e., C1, C2 and C3).

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE. The examiner also notes that the appropriate fees must be paid to extend the time period for response.

Any inquiry concerning this communication should be directed to Examiner Jon D. Epperson, Ph. D., Art Unit 1639, whose telephone number is (571) 272-0808.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (571) 272-1600.

Jon D. Epperson Ph.D.  
Patent Examiner

**JON EPPERSON  
PRIMARY EXAMINER**

